

REMARKS

Claims 36-38 and 40-45 are pending. New claims 40-45 are added. Claims 1-35 and 39 are cancelled without prejudice. Claims 36-38 are rejected under 35 U.S.C. § 103(a). Group I claims 36-38 are filed in response to a previous restriction requirement.

Examiner has advised applicants to carefully proof read the instant application. Applicants have amended the specification to be consistent with copending application 10/718,338, filed November 18, 2003. The present amendment describes previously unidentified drawing numerals. No new matter is added.

After a careful review of the present rejection, it appears that Examiner's remarks are directed to original independent claim 28 rather than original independent claim 36. Claim 28 was cancelled in a preliminary amendment mailed 4/13/2004. The following remarks are included to distinguish claims 36-38 from Whinnett et al. (U.S. Pat. No. 6,317,411) and Secord et al. (U.S. Pat. No. 6,373,831).

Independent claim 36 and depending claims 37-38 are rejected under 35 U.S.C. § 103(a) over Whinnett et al. in view of Secord et al. Claim 36 recites "A circuit, comprising a filter circuit coupled to receive a sequence of predetermined signals from a first and a second remote antenna, wherein the sequence of predetermined signals comprises a code sequence, and wherein a **first shift of the code sequence corresponds to the first remote antenna and a second shift of the code sequence corresponds to the second remote antenna**, the filter circuit producing an output signal in response to the data signals." (emphasis added).

This feature of the claimed invention is described in detail at paragraphs 34-35 and Figures 5B and 6A of U.S. Pub. No. 2004/0101032. Referring to Figure 6A there is a filter circuit 600-604 that receives a sequence of predetermined signals from first and second remote antennas. These are broadcast antennas 1 and 2 of Figure 5B. Examiner will note that a basic sequence 511 from

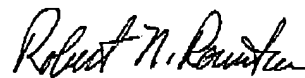
TI-28984A, Page 9

broadcast antenna 1 is circularly shifted at sequence 512 from broadcast antenna 2. Claim 37 further recites the predetermined signals comprise a midamble. Claim 38 further recites that each respective shift of the code of the predetermined signals is a respective shifted sample of a code sequence. These features of the claimed invention are not disclosed by Whinnett et al. or Secord et al., taken alone or in combination. Thus, claims 36-38 are patentable under 35 U.S.C. § 103(a)

New independent claim 41 is a method claim corresponding to apparatus claim 36. Depending claims 40 and 42-45 are added to more specifically define inventive features of the present invention. No new matter is added.

In view of the foregoing, applicants respectfully request reconsideration of claims 36-38 and allowance of claims 36-38 and 40-45. If the Examiner finds any issue that is unresolved, please call applicants' attorney by dialing the telephone number printed below.

Respectfully submitted,



Robert N. Rountree
Attorney for Applicants
Reg. No. 39,347

Robert N. Rountree, LLC
70360 Highway 69
Cotopaxi, CO 81223
Phone/Fax: (719) 783-0990